

FREEDMAN AND LORRY, P.C.

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Anthony N. Brocco, Sr. and Jeannette	:	
Brocco, Husband and Wife,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	No.:
v.	:	
	:	
TTX Company,	:	
	:	
Defendants.	:	

COMPLAINT AND JURY DEMAND

1. Plaintiffs Anthony N. Brocco, Sr. and Jeannette Brocco are citizens and residents of the Commonwealth of Pennsylvania, whose primary residence is 116 Fernon Street, Philadelphia, PA 19148, and at all times relevant hereto were, and are, husband and wife.
2. Defendant TTX Company (hereinafter “Defendant TTX”) is a business organization, whose business type is a Foreign Corporation, existing under and by virtue of the laws of a governmental body other than the Commonwealth of Pennsylvania, incorporated in the State of Delaware, with its principal place of business located at 101 N. Wacker Drive, Chicago, IL 60606.

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1332, there being diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, being in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).
4. Venue is appropriate in this Court since a substantial part of the events giving rise to the claim occurred in this judicial district.
5. On or about July 16, 2021, and at all times pertinent hereto, Defendant TTX owned, managed, operated, possessed, repaired and/or controlled a railcar identified as car #3 at the Balzano Marine Terminal in the Port of Camden, New Jersey 08103.
6. On July 16, 2021, at about 11:00 a.m. Plaintiff Anthony N. Brocco, Sr. was in the course and scope of his employment with Delaware River Stevedores working as a Foreman out of Local 1566 Coopers, whose assignment included loading blue tata coils in Defendants' aforedescribed railcar.
7. On July 16, 2021, at approximately 11:00 a.m. Plaintiff Anthony N. Brocco, Sr. closed the aforementioned railcar door #3 and while pulling the railcar door closed, the arm on the door caught the locking mechanism at the top of the car stopping the door in its tracks.
8. The locking mechanism at the top of railcar #3 and the resulting injuries suffered by Plaintiff Anthony N. Brocco, Sr. were proximately caused by the carelessness and negligence of Defendant TTX, through its agents, servants, workmen and employees.
9. By reason of the carelessness and negligence of the Defendant as aforesaid, Plaintiff Anthony N. Brocco, Sr. was caused to sustain a full thickness rotator cuff tear, right shoulder, the extent of which has not yet been determined, he sustained other orthopedic, neurological and internal injuries; he sustained arthritic and vascular

changes; he sustained severe shock and injury to his nerves and nervous system; he has in the past required and may in the future continue to require medicines, medical care and attention; he has in the past been and may in the future be compelled to expend monies and incur obligations for such care and attention; he has in the past suffered and may in the future continue to suffer agonizing aches, pains and mental anguish; he has in the past been and may in the future continue to be disabled from performing his usual duties, occupations and avocations. He has in the past and in the future undergone surgery in an attempt to resolve the injuries sustained in this accident.

WHEREFORE, Plaintiff Anthony N. Brocco, Sr. claims damages of the Defendant in a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) together with interests and costs and brings this action to recover same.

COUNT II
PLAINTIFF JEANNETTE BROCCO V. DEFENDANTS

13. Plaintiff repeats and incorporates by reference paragraphs 1 through 15 as if fully set forth herein.

14. By reason of the carelessness and negligence of the Defendant, Plaintiff Jeannette Brocco has been, and will be in the future, deprived of the assistance, society, comfort, companionship, and consortium of her husband, Plaintiff Anthony N. Brocco, Sr., to her detriment and loss.

WHEREFORE, Plaintiff Jeannette Brocco claims of the Defendant a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) together with interest and costs and brings this action to recover same.

FREEDMAN & LORRY, P.C.

BY: *Scott A. Portner*
SCOTT A. PORTNER
Attorney for Plaintiffs

Dated: August 8, 2022

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Anthony N. Brocco, Sr. and Jeannette Brocco, Husband and Wife,

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott A. Portner, Esquire
Freedman & Lorry
1601 Market Street, STE 1550
Philadelphia, PA 19103

DEFENDANTS

TTX Company

County of Residence of First Listed Defendant Cook

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff ' 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 'X 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	' 1	' 1	Incorporated or Principal Place of Business In This State
Citizen of Another State	'X 2	'X 2	Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country	' 3	' 3	Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Default Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury -	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 710 Fair Labor Std Act	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act' 751 Family and Medical Leave Act	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 891 Agricultural Acts
			IMMIGRATION	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 895 Freedom of Information Act
			<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

'X 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C Section 1332

VI. CAUSE OF ACTION

Brief description of cause:
Action maritime worker against vessel owner

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint:
UNDER RULE 23, F.R.Cv.P. **\$75,000** **JURY DEMAND:** 'X Yes 'No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

June 30, 2022

/s/ Scott A. Portner

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.